

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LUMINENT MORTGAGE CAPITAL, :
INC., *et al.*, :
 : Case Management Plan
 :
Plaintiffs, : 07 CIV 10275 (RMB)
v. :
 :
BARCLAYS CAPITAL INC., :
 :
Defendant. :
-----X

The following Case Management Plan is entered into after consultation with the parties. This Plan is also a Rule 16 and Rule 26(f) scheduling order as required by the Federal Rules of Civil Procedure.

I. Schedule

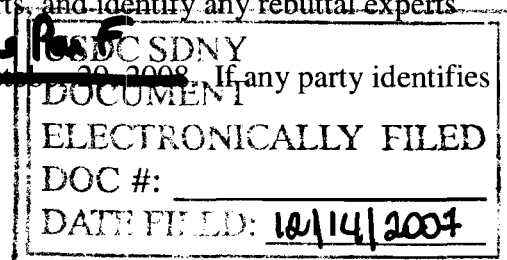
A. Initial disclosures pursuant to Rule 26(a) are due no later than January 7, 2008.

B. All fact discovery (except that set forth in paragraph I.C immediately below) shall be completed by ~~September 1, 2008~~ **April 21, 2008** **RMB**

C. The parties shall be entitled to serve final sets of interrogatories and/or requests for admission no later than ~~September 1, 2008~~ **reasonably before April 21, 2008**.

D. The parties shall identify expert witnesses and serve reports of their opinions no later than ~~September 18, 2008~~ **See Pm F**.

E. The parties shall serve rebuttal reports, and identify any rebuttal experts and serve reports of their opinions, no later than ~~October 20, 2008~~ **See Pm F**. If any party identifies



a new rebuttal expert pursuant to this paragraph, the opposing party shall serve additional rebuttal reports by ~~November 19, 2008~~. ^{See Para F}

F. Expert depositions shall be completed no later than ~~December 19, 2008~~ ^{July 7, 2008}

II. Joinder of Additional Parties and Amendment of Pleadings

A. Joinder of additional parties and amendment of pleadings is due no later than ~~April 21, 2008~~ ^{See Para B}. If the parties wish to join parties or amend their pleadings after April 21, 2008, the parties must seek leave of the Court to do so.

B. Defendant will file its Answer and Counterclaims within 10 days of the entry of the Court's ruling on the Defendant's Motion to Dismiss, which will be filed ~~on January 7, 2008~~ ^{See Court Rules}, as required by the Stipulation and Order entered by the Court on November 21, 2007.

III. Proceedings before a Magistrate Judge

A. The parties do not consent to proceed before a Magistrate Judge.

IV. Status of Settlement

A. The parties have not been able to agree on a settlement.

V. Miscellaneous

A. Motions: See Court Rules

B. Oral Argument: _____

C. Joint Pre-Trial Order to be submitted by _____

D. ~~Settlement~~ ^{with Proposals} ~~Final Pre-Trial~~ Conference: July 14, 2008 @ 9:15 AM

E. Trial: _____

F. Other: Work On Settlement

SO ORDERED: New York, New York

12/14/07, 2007

RMB

Hon. Richard M. Berman, U.S.D.J.

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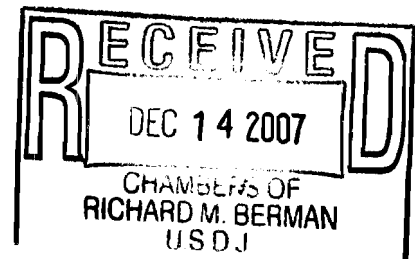
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December 13, 2007

By Hand

Honorable Richard M. Berman, U.S.D.J.,
United States District Court,
Southern District of New York,
United States Courthouse,
500 Pearl Street,
New York, NY 10007-1312.



Re: *Luminent Mortgage Capital, Inc. et al. v. Barclays Capital, Inc.*
07 Civ. 10275 (RMB)

Your Honor:

I represent Barclays Capital Inc. in the above-referenced matter. In accordance with your Individual Practices and Fed. R. Civ. P. 26(f), please find enclosed a copy of the parties' proposed Case Management Plan. We look forward to discussing the enclosed plan at the initial pre-trial conference on Thursday, December 20.

Respectfully submitted,

Jeffrey T. Scott

(Enclosure)

cc: Michael Petrella, Esq.